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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/666,164	06/19/96	GENISE	T 94-RTRN-387

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35M1/0515

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ART UNIT	PAPER NUMBER
3502	5

DATE MAILED 5/15/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. <b>08/666,164</b>	Applicant(s) <b>Genise</b>
Examiner <b>Peter Kwon</b>	Group Art Unit <b>3502</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 6, 8, 14, 16-18, 20, 22-24, 26-30, and 33 is/are rejected.

Claim(s) 2-5, 7, 9-13, 15, 19, 21, 25, 31, 32, and 34 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 2, 3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 16 and 17 are objected to because of the following informalities: The dependent claims 16 and 17 are identical claims. Either one of the claims should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 14, 16-18, 20, 22-24, 26-30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Palmeri et al. (US 5,582,558).

*S-57*

Palmeri et al. disclose a combined system for assisting shifting of manual transmission comprising an electronic control unit (31) for varying an actual engine fueling to achieve a zero torque by a driver's request of a torque elimination, the torque being controlled as a function of the engine fueling, and the driver easily able to shift the gear into a neutral. A manually shifted transmission (30) has an input shaft (37) driven by the engine, an output shaft (38), a yoke (40)

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and a collar (41) for selecting a driving ratio and neutral position. A manually operating stick shift (22) allows the driver shifting the gear along a shifting gear range pattern (Col. 7, line 51 - Col. 9, line 49).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmeri et al. (US 5,582,558) in view of Nellums et al. (US 4,874,070).

Palmeri et al. disclose a combined system for assisting shifting of manual transmission as mentioned above in paragraph 3, but do not disclose an engine fueling for a time period upon sensing a throttle pedal position. Nellums et al. disclose a fuel control device (26) for controlling an amount of fuel to be supplied to an engine for a period time depending on a sensing signal of a throttle pedal position and an engine rotation speed (Col. 3, lines 11-51) in a control for AMT system start from stop operation. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Palmeri et al. by providing a fuel control device for controlling the amount of fuel supplied to an engine in view of Nellums et al. for the smooth gear shifting by controlling the engine torque when a vehicle starts or stops.

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*Allowable Subject Matter*

6. Claims 2-5, 7, 9-13, 15, 19, 21, 25, 31-32 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mack 5,529,548  
Speranza 4,714,144  
Andersson 5,568,387

Genise et al. 5,517,411  
Hedstrom et al. 5,595,551  
Takada et al. 5,496,228

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kwon whose telephone number is (703) 305-6294.

  
CHARLES A. MARMOR  
SUPERVISORY PATENT EXAMINER  
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PTK

May 9, 1997